

## **REMARKS/ARGUMENTS**

Claims 2-20 are currently pending in the present patent application, with claims 9-20 having been withdrawn from consideration.

### The Rejections Under 35 USC § 103

In the final Office Action mailed on September 3, 2009, the Examiner rejects claims 2-8 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,638,164 to Landau et al. (hereinafter "Landau") in view of US Patent No. 6,072,889 to Deaett et al. (hereinafter "Deaett").

The system of Landau is a scanning laser system utilizing low and high resolution image capture (see column 2, lines 27-65 of the patent) and the Examiner cites Landau for disclosing all elements of claim 2 except for sensing infrared radiation. The Examiner relies on Deaett for teaching sensing emitted infrared radiation emitted by the threat in the system of Landau, reasoning it would have been obvious to use such IR sensors of Deaett in place of the scanning lasers of Landau. See page 3 of the Office Action. The Examiner reasons it would have been obvious to sense light emitted by the threat and not used a laser scanning source since in this way the target can be detected without using a transmission source.

If the rationale proposed by the Examiner were accepted and in all cases a passive tracking system would be preferred since in such passive systems a laser or other transmission source is eliminated. The elimination of a transmission source is not always possible, however, for a reliable tracking system. The system of the Landau patent appears to be one such system. For example, objects being targeted by the Landau system may not be admitting sufficient radiation to enable reliable detection using an IR or other passive sensor. Moreover, the Landau patent is specifically directed to the utilization of a laser scanning system and the reduction in data processing that is required in such a laser scanning system. In column 1, lines

41-52, response time limitations of such a laser scanning system are discussed where the time required to completely scan the entire field of view can be significant. One approach to keeping the response time low is discussed and involves the utilization of a plurality of scanning lasers having offset fields of view and in this way operating in parallel to collectively scan the entire field of view in a reduced time. See column 1, lines 47-51.

There is no disclosure or suggestion in the Landau patent that passive sensors can simply be utilized in place of the scanning lasers and thereby solve the response time or other problems noted in the patent. In fact, Landau implicitly acknowledges that scanning lasers are required, or are at least preferable, for the disclosed imaging system. The solution of Landau is to scan fields of view using different resolutions and thereby reduce the overall response time of the system since processing of a field of view using a lower resolution can be done more quickly. This is done with progressively increasing resolutions until a target-characterizing criterion is detected at a given resolution at which scanning is currently being performed, at which point the field of view is then scanned at a higher resolution.

Furthermore, the utilization of IR sensors in the Landau system does not appear to be feasible since the target being imaged may not emit sufficient IR radiation to allow for proper imaging and operation of the system. In the present application, the types of threats being detected emit sufficient IR radiation to enable the utilization of passive IR sensors. At least some targets, however, such as a cold building or other structure being targeted at night, may not emit sufficient IR radiation to enable proper operation of the Landau system. There is no teaching, suggestion, or motivation to modify the scanning laser system of Landau with the IR sensors of Deaett. The entire focus of the Landau patent is directed to managing the data received from scanning lasers to keep response time of the imaging system sufficiently low to meet performance requirements.

For at least these reasons, the combination of elements recited in claim 2 is allowable over the prior art of record. Dependent claims 3-8 are allowable for at least the same reasons as claim 2 and due to the additional limitations added by each of these dependent claims.

An Information Disclosure Statement (IDS) including several references to be made of record in the present application accompanies this response. A Request for Continued Examination (RCE) also accompanies this document.

The present patent application is in condition for allowance. Favorable consideration and a Notice of Allowance are respectfully requested. **Should the Examiner have any further questions about the application, Applicants respectfully request the Examiner to contact the undersigned attorney at (425) 455-5575 to arrange for a telephone interview to discuss the outstanding issues.** A one-month extension of time up to and including January 4, 2010 (since January 3, 2010, fell on a Sunday), is hereby requested. The requisite fee is included herewith. The Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 19-0130.

Respectfully submitted,  
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